

Approved: \_\_\_\_\_ Mayor

Veto: \_\_\_\_\_

Override: \_\_\_\_\_

**RESOLUTION NO. Z-29-04**

*WHEREAS*, **TCAG L.L.C.** had applied to Community Zoning Appeals Board 11 for the following:

- (1) GU to IU-C
- (2) Applicant is requesting to permit the zoning of a tract of land with an area of 4.99 gross acres (a minimum of 10 acres required for platting or rezoning).

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

**SUBJECT PROPERTY:** The north ½ of the SE ¼ of the SE ¼ of the SW ¼ in Section 14, Township 55 South, Range 39 East.

**LOCATION:** Lying north of theoretical S.W. 135 Street and west of theoretical S.W. 132 Avenue, Miami-Dade County, Florida, and

*WHEREAS*, a public hearing of Community Zoning Appeals Board 11 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 11 that the request for a district boundary change (Item #1), and to permit the zoning of a tract of land with an area of 4.99 gross (Item #2) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida and said application was denied by Resolution No. CZAB11-20-04, and

*WHEREAS* **TCAG L.L.C.** appealed the decision of Community Zoning Appeals Board 11 to the Board of County Commissioners, and a public hearing of the Board of County

Commissioners, Miami-Dade County, Florida was advertised and held, upon notice, as required by the Zoning Procedure Ordinance, and

*WHEREAS*, after reviewing the record and decision of Community Zoning Appeals Board 11 and after having given an opportunity for interested parties to be heard, it is the opinion of this Board to vacate resolution CZAB11-20-04 and to remand the application back to Community Appeals Board 11 for further consideration, and

*WHEREAS*, a motion to vacate resolution CZAB11-20-04 and to remand the application back to Community Appeals Board 11 for further consideration was offered by Commissioner Dennis C. Moss, seconded by Commissioner Sally A. Heyman, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	absent	Dennis C. Moss	aye
Jose "Pepe" Diaz	aye	Dorrian D. Rolle	aye
Betty T. Ferguson	absent	Natacha Seijas	aye
Sally A. Heyman	aye	Katy Sorenson	aye
Joe A. Martinez	absent	Rebeca Sosa	aye
Jimmy L. Morales	absent	Javier D. Souto	aye

Chairperson Barbara M. Carey-Shuler                      aye

*NOW THEREFORE BE IT RESOLVED* by the Board of County Commissioners, Miami-Dade County, Florida, that Resolution CZAB11-20-04 is vacated and that the application is hereby remanded to Community Zoning Appeals Board 11 for further consideration.

*BE IT FURTHER RESOLVED* that Resolution No. CZAB11-20-04 is hereby null and void.

The Director is hereby authorized to make the necessary notations upon the records of the Miami-Dade County Department of Planning and Zoning.

***THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED*** this 30<sup>th</sup> day of September, 2004, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 04-5-CZ11-3

ej

HARVEY RUVIN, Clerk  
Board of County Commissioners  
Miami-Dade County, Florida

By **KAY SULLIVAN**

Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 1<sup>ST</sup> DAY OF NOVEMBER, 2004.

**STATE OF FLORIDA**

**COUNTY OF MIAMI-DADE**

I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-29-04 adopted by said Board of County Commissioners at its meeting held on the 30<sup>th</sup> day of September, 2004.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 1<sup>st</sup> day of November, 2004.



Earl Jones, Deputy Clerk (3230)  
Miami-Dade County Department of Planning and Zoning

**SEAL**

